IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16443 of 2004

Between:

Smt. U. Padmaja, W/O. Appa Rao, Fair Price Shop Dealer
R/o. Ankarlapudi Village, Kondepi Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Kondepi Mandal, Prakasam District.
4 Additional Revenue Inspector, Kondepi Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of MANDAMUS, declaring the action of the respondents in not allowing me to function as F.P.Shop Dealer of Ankarlapudi Village, Kondepi Mandal, Prakasam District and in not supplying the commodities from the month of June 2004 as illegal, arbitrary, unconstitutional, unreasonable void and against the principles of natural justice and consequently direct the respondents to allow the petitioner to function as F.P. Shop dealer of Anakarlapudi Village, Kondepi Mandal Prakasam District by supplying the stocks regularly .

Counsel for the Petitioner: MR.T.RAJENDRA PRASAD

Counsel for the Respondents 1 to 4: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

The petitioner is the authorised dealer of the Fair Price Shop of Anakarlapudi Village, Kondepi Mandal, Prakasam District.

The second respondent-Revenue Divisional Officer, Kandukur, Prakasam District passed an order on 09-08-2004, appointing Smt.Ch.Sujata as the Fair Price Shop dealer on temporary basis in respect of the shop in question. A perusal of the said order shows that the third respondent-Mandal Revenue Officer, Kondepi Mandal, Prakasam District submitted a report dated 31-07-2004 stating that the petitioner has not filed D.Ds. for the months of June and July, 2004 and caused much inconvenience to the card-holders and accordingly, proposing appointment of one Smt. Ch.Sujata on temporary basis to avoid inconvenience to the card-holders. On the basis of the said report, the second respondent passed the order dated 09-08-2004. Aggrieved by the said order, the petitioner preferred an appeal on 30-08-2004 before the first respondent-Joint Collector, Ongole, Prakasam District. Strangely, the said appeal was disposed of on 03-09-2004 directing the second respondent to complete the enquiry, within one month after giving opportunity of personal hearing to the appellant. Hence, this writ petition seeking a declaration that the action of the respondents is arbitrary and illegal.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, I find force in the contention of the learned counsel for the petitioner that since no orders have been passed by the second respondent, at any point of time, either suspending or cancelling the authorisation of the petitioner and particularly since no charges were framed against the petitioner and no enquiry is pending, the first respondent-Joint Collector, is not justified in remanding the matter back to the second respondent for “disposal of the case” within

one month.

Though the matter was adjourned twice to enable the learned Government Pleader for getting instructions, nothing has been placed before this Court to show that any enquiry as such is pending against the petitioner.

In the circumstances, the impugned order dated 09-08-2004 is set aside and the writ petition is disposed of with a direction to the first respondent to consider the appeal of the petitioner afresh and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

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25-10-2004

kdl

To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Kondepi Mandal, Prakasam District.
4 The Additional Revenue Inspector, Kondepi Mandal, Prakasam District.

5 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

6 Two C.D. Copies.